

**Sec. 7-513. Penalties.**

Nonconformance with this article is unlawful. Buildings identified pursuant to this article, and not adequately mitigated, shall be considered public nuisances subject to civil prosecution under the laws and ordinances of the City of Belmont. (Ord. No. 823, § 13, 1-9-90)

**7-514—7-600. Reserved.**

**ARTICLE XIII. GRAFFITI CONTROL\*****Sec. 7-601. Purpose.**

The purpose of this chapter is to provide a program for removal of graffiti from walls and structures on both public and private property and to provide regulations designed to prevent and control the further spread of graffiti in the city. The increase of graffiti on both public and private buildings, structures, places, and vehicles is creating a condition of blight within the city which results in a deterioration of property and business values for adjacent and surrounding properties all to the detriment of the city. The city council finds and determines that graffiti is obnoxious and a public nuisance which must be abated so as to avoid the detrimental impact of such graffiti on the city and to prevent the further spread of graffiti.

(Ord. No. 890, § 1, 3-28-95)

**Sec. 7-602. Graffiti defined.**

For the purpose of this article, "graffiti" shall mean the unauthorized spraying of paint or marking of ink, chalk, grease marker, dye or other similar substances on public and private buildings, structures, places, and vehicles.

(Ord. No. 890, § 1, 3-28-95)

**Sec. 7-603. Graffiti prohibited.**

(a) No person shall place graffiti upon any public or privately owned structure, building, place, or vehicle located on publicly or privately owned real property within the city.

(b) No person owning or otherwise in control of any building, structure, place, or vehicle within the city shall permit or allow any graffiti to be placed upon or remain on such property when the graffiti is visible from the street or other public or

private property, for a period in excess of that described in this chapter for notice and removal of graffiti.

(c) Violation of this chapter shall be a misdemeanor.

(Ord. No. 890, § 1, 3-28-95)

**Sec. 7-604. Minors; aerosol paint.**

(a) *Sale to minors unlawful.* It is unlawful for any person to sell or give to any individual under the age of eighteen (18) years, who is not accompanied by a responsible adult, any aerosol container of paint or other liquid substance capable of defacing property.

(b) *Signs required.* Any person engaged in the retail sale of aerosol containers of paint and other liquid substances capable of defacing property must display at the location of retail sale a sign clearly visible and legible to employees and customers which states as follows:

"It is unlawful for any person to sell or give to any individual under the age of eighteen (18) years, who is not accompanied by a responsible adult, any aerosol container of paint or other liquid substance capable of defacing property."

(c) *Possession by minors prohibited.* It is unlawful for any individual under the age of eighteen (18) years, who is in a public place or upon private property without consent of the owner or tenant thereof and who is not accompanied by a responsible adult, to possess an aerosol container of paint or other liquid substance capable of defacing property.

(Ord. No. 890, § 1, 3-28-95)

**Sec. 7-605. Notice.**

Whenever the chief of police or his designee determines that graffiti exists on any public or private structure, building, place, or vehicle in the city which is visible from the street or other public or private property, he/she shall cause a notice to be issued to abate such nuisance. The property owner shall have fifteen (15) days after the date of the notice to remove the graffiti or the property will be subject to abatement by the city.

(Ord. No. 890, § 1, 3-28-95)

**Sec. 7-606. Service of notice.**

The notice to abate graffiti shall be served upon the owner(s) of the affected premises, as such own-

\*Cross reference—Offenses—Miscellaneous, Ch. 15.

er's name and address appears on the last equalized property tax assessment rolls of the county. In addition, if there is a commercial tenant using the premises, the notice shall also be served on said tenant. If there is no known address for the owner, the notice shall be sent in care of the property address. The notice required by this chapter may be served in any one (1) of the following manners:

- (1) By personal service on the owner, occupant or person in charge or control of the property.
- (2) By registered or certified mail addressed to the owner at the last known address of said owner. If this address is unknown, the notice will be sent to the property address. In addition, where the property is occupied, a copy of the notice shall be delivered to the occupant.

(Ord. No. 890, § 1, 3-28-95)

**Sec. 7-607. Reimbursement of cost of labor and material.**

In the event the property owner complies with the notice by the designated date or such continued date, as the chief of police or his designated representative approves, then the city shall reimburse the property owner his cost of labor and materials up to a maximum of one hundred fifty dollars (\$150.00) for the first incident of graffiti on the property, and up to one hundred dollars (\$100.00) for each subsequent incident. Receipts for labor and materials used must accompany the claim. The city shall not reimburse the property owner where the chief of police finds that the owner has persuaded, allowed or encouraged the graffiti problem. Evidence thereof shall include but not be limited to such things as: The owner has permitted the property to remain unoccupied, or has allowed uses conducive to the graffiti problem, or has failed to take reasonable security measures.

(Ord. No. 890, § 1, 3-28-95)

**Sec. 7-608. Removal by city.**

Upon failure of persons to comply with the notice to abate by the designated date, or such continued date thereafter as the chief of police or his designated representative approves, then the chief of police is authorized and directed to cause the graffiti to be abated by city forces or private contract, and the city or its private contractor is ex-

pressly authorized to enter upon the premises for such purposes. All reasonable efforts to minimize damage from such entry shall be taken by the city, and any paint used to obliterate graffiti shall be as close as practicable to background color(s). (Ord. No. 890, § 1, 3-28-95)

**Sec. 7-609. Liability for city's cost of abatement.**

Where the graffiti has been abated by the city due to the refusal or failure of the owner to do so, the owner shall reimburse the city for the actual cost of the removal of the graffiti. The costs to be reimbursed include labor, material, preparation of specifications and contracts and inspection. (Ord. No. 890, § 1, 3-28-95)

**Sec. 7-610. Abatement of graffiti as a public nuisance.**

As an alternate to summary abatement, the city may cause the graffiti to be abated pursuant to article XI of the Belmont Municipal Code, "Property Maintenance and Abatement of Property Nuisances."

(Ord. No. 890, § 1, 3-28-95)